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SCHEDULE

Rule 2

Form 11N THE CROWN COURT IN NORTHERN IRELAND **Application for dismissal of transferred charge(s) under paragraph 4 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995**

Rule 4 and 5

This form may be used to give notice of intention to apply orally or in writing, for dismissal of transferred charge(s), for application to call witnesses or for an extension of time within which to apply. Applications for dismissal must be received by the Court within **14 days** of the date on the Notice of Transfer.

A copy of this form and of any statements or documentary evidence on which the applicant relies must be served at the same time on the authority by or on behalf of whom the notice of transfer was given and on any other person to whom the notice of transfer relates.

Case Details

Enter the name of the Court shown on the Notice of Transfer and the date of the Notice.

The Crown Court at

Crown Court Case Number

Date of notice of transfer

State name and address of the applicant to whom this application relates. (If in custody give address where detained).

Applicant Surname:

Forename(s):

Address:

Date of Birth:

Tick box as appropriate

Application

- Notice of intention to apply *orally* for dismissal paragraph 4(3) of Schedule 1.
- Application to call witnesses in support of application for dismissal paragraph 4(4) of Schedule 1.
- Application for extension of time within which to give notice of intention to make an oral application.
- Written* application for dismissal.
- Application for extension of time within which to make a written application.

If applying for an extension only you will need to submit a complete form in due course.

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Specify all charges and indicate those to which this application applies.

Charges

(If applying only for an extension, you do not need to complete this section).

Grounds for applying

(a) Application for dismissal:

The evidence which has been disclosed would not be sufficient for a jury to properly convict.

If applying for an extension, state the grounds.

(b) Application for extension of time.

Witness(es) and material on which you rely
(copies of all documents must be attached).

For oral applications indicate which witnesses you propose to call, if leave is given. State the date of birth of each witness (or that he is 18 or over). In relation to each witness under 18, you must also provide the additional information requested (paragraph 4(5) of Schedule 1)

Witness(es) under 18

Name:

Date of Birth:

Date of any video recording of the witness as is mentioned in Article 81A(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989.

Is the witness the alleged victim or the alleged witness of the commission of the offence(s) charged?

Yes/No (delete as appropriate)

I confirm that none of the proposed witnesses is a child to whom paragraph 4(5) of Schedule 1 applies.

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Signature of applicant

Details of any person signing on behalf of applicant

Name:

Solicitor:

Address:

Date:

Form 2 IN THE CROWN COURT IN NORTHERN IRELAND Application by prosecution for oral hearing of defence application for dismissal

Rule 5

This form may be used by the prosecution to apply for:

- * an oral hearing of a defence application for dismissal;
- o an application for leave to call witnesses; or
- * an extension of time within which to apply for (a) an oral hearing or (b) to submit documents.

An application by the prosecution for an oral hearing, or for an extension of time within which to apply for an oral hearing, must be made **within 7 days** of receipt of notice of the defence application for dismissal. Written comments or material must be submitted to the chief clerk of the court **within 14 days** of the date of receipt of the defence application.

A copy of this form must be given to the applicant for dismissal and to any other person to whom the application to dismiss relates.

Case Details

The Crown Court at

Crown Court Case Number

Enter the name of the Court shown on the notice of transfer, and the date of receipt of the defence application.

Date of receipt of copy of defence application:

Defendant(s) Surname:

Forename(s):

State the name(s) and address(es) of the defendant(s) to whom this application relates. If in custody, give address where detained.

Address:

Date of Birth:

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Application

State the name, address and reference: **Director of Public Prosecutions**

Ref:

Tick as appropriate:

Application for an oral hearing.

Application for leave to call witnesses under paragraph 4(4) of Schedule 1.

Application for extension of time within which to apply for oral hearing.

Application for extension of time within which to submit documents.

Charges

Specify all charges and indicate those to which the application for dismissal applies and those on which the prosecution intend to respond.

Grounds for applying

State the grounds on which the application is being made.

Witness(es) for the prosecution

Indicate which witnesses you propose to call, if leave is given.

Witness(es) under 18

Name:

Date of Birth:

Date of any video recording of the witness as is mentioned in Article 81A(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989:

Is the witness the alleged victim or an alleged witness of the commission of the offences charged:

Yes/No (delete as appropriate)

I confirm that none of the proposed witnesses is a child to whom paragraph 4(5) of Schedule 1 applies.

Witness(es) for defence

Indicate any grounds on which it appears that the proposed witness for the defence is a child to whom paragraph 4(5) of Schedule 1 applies.

Signature _____ Date _____

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Rule 3

This form shall be used for notifying all parties of the court's determination of the following applications.

- * by the prosecution for oral hearing of a defence application for dismissal;
- * by defence or prosecution for leave to call witnesses;
- * by the defence or prosecution for an extension of time within which to lodge an application for oral hearing; or
- * by the prosecution for extension of time within which to submit material to the court.

Case Details

The Crown Court at:

Crown Court case number:

Defendant(s)

Surname:

Forename(s):

Address:

(If in custody give address where detained)

Date of birth:

Charges (indicate those to which the application applies)

Nature of Application

- Application by prosecution for oral hearing of application for dismissal of transferred charge(s)
- Defence*/Prosecution* application for leave to call witnesses (paragraph 4(4) of Schedule 1)
- Defence*/Prosecution* application for extension of time within which to lodge an application for oral hearing
- Prosecution application for extension of time within which to submit written comments on other material to the court

*delete as appropriate.

Court's Decision

(Specify court's decision on each application considered. Where an application is refused the reasons for refusal should be stated where leave is granted to call witnesses, the court must be satisfied that none of the witnesses to be called is a child to whom paragraph 4(5) of Schedule 1 applies.)

Signed

(an Officer of the Court)

Date

Form 4IN THE CROWN COURT IN NORTHERN IRELAND Notification of the Court's determination of a written application for dismissal of transferred charge(s) under paragraph 4 of Schedule 1 Children's Evidence (Northern Ireland) Order 1995

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Rule 6

Case Details

The Crown Court at:

Crown Court case number:

Defendant(s)* Surname:

Forename(s):

Address:

(If in custody give address where detained)

Date of Birth:

Charges (those on which dismissal was sought to be separately identified)**

Court's Decision (Specify court's decision. Where an application is refused the reasons for refusal should be stated. Include details of any bail variations and counts substituted, added or quashed).

Signed

(an Officer of the Court)

Date